

# FEE TRANSMITTAL



Total Amount of Payment \$130.00

## METHOD OF PAYMENT (Check One)

1.  The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No.11-0982. Deposit Account Name: Kinney & Lange, P.A. A duplicate copy of this communication is enclosed.

2.  Check Enclosed

## FEE CALCULATION

### 1. BASIC FILING FEE

| Appn. Type<br>PD. | FILING FEE | SEARCH FEES | EXAM FEES |                      |
|-------------------|------------|-------------|-----------|----------------------|
|                   | FEE/SMALL  | FEE/SMALL   | FEE/SMALL | FEES                 |
| Utility           | 300 / 150  | 500 / 250   | 200 / 100 | —                    |
| Design            | 200 / 100  | 100 / 50    | 130 / 65  | —                    |
| Reissue           | 300 / 150  | 500 / 250   | 600 / 300 | —                    |
| Provisional       | 200 / 100  | -0- / -0-   | -0- / -0- | —                    |
|                   |            |             |           | Subtotal (1) \$00.00 |

### 2. EXTRA CLAIM FEES

|                           | Number<br>Claims | Prior** | Extra | Fee from Fee Paid<br>Below |  |
|---------------------------|------------------|---------|-------|----------------------------|--|
| Total                     | * -              | * =     | * X   | * = * -                    |  |
| Indep.                    | * -              | * =     | * X   | * = * -                    |  |
| Multiple Dependent Claims |                  |         |       | * = * -                    |  |

\*\*Insert 3 and 20, or number previously paid if greater; Reissue see below

|      | Large Entity<br>Fee<br>Code | Small Entity<br>Fee<br>Code | Description |
|------|-----------------------------|-----------------------------|-------------|
| 1202 | 50                          | 2202                        | 25          |
| 1201 | 200                         | 2201                        | 100         |
| 1203 | 360                         | 2203                        | 180         |
| 1204 | 200                         | 2204                        | 100         |
| 1205 | 50                          | 2205                        | 25          |

Claims in excess of 20  
Independent claims in excess  
of 3  
Multiple Dependent Claim  
Reissue Independent Claims  
Over Original Patent  
Reissue claims in excess of 20  
and over original patent

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 small) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s). \$00.00

Subtotal (2) \$00.00

| Complete if Known    |  |                       |  |
|----------------------|--|-----------------------|--|
| Application No.      |  | 10/822,425            |  |
| Filing Date          |  | April 12, 2004        |  |
| First Named Inventor |  | Roger L. Frick        |  |
| Group Art Unit       |  | 2877                  |  |
| Examiner Name        |  | Denise Brown Anderson |  |
| Atty. Docket Number  |  | E252.12-0008          |  |

| FEE CALCULATION (Continued) |                             |                             |                 |  |                       |
|-----------------------------|-----------------------------|-----------------------------|-----------------|--|-----------------------|
| 3. ADDITIONAL FEES          | Large Entity<br>Fee<br>Code | Small Entity<br>Fee<br>Code | Fee Description | Fee paid   |                       |
| 1051                        | 130                         | 2051                        | 65              | Surcharge - Late filing fee or oath  | *                     |
| 1052                        | 50                          | 2052                        | 25              | Surcharge - late provisional filing fee or cover sheet                     | *                     |
| 1053                        | 130                         | 1053                        | 130             | Non-English specification  | *                     |
| 1812                        | 2,520                       | 1812                        | 2,520           | For Filing a Request for Reexamination                                     | *                     |
| 1251                        | 120                         | 2251                        | 60              | Extension for reply within first month                                     | *                     |
| 1252                        | 450                         | 2252                        | 225             | Extension for reply within second month                                    | *                     |
| 1253                        | 1,020                       | 2253                        | 510             | Extension for reply within third month                                     | *                     |
| 1254                        | 1,590                       | 2254                        | 795             | Extension for reply within fourth month                                    | *                     |
| 1255                        | 2,160                       | 2255                        | 1,080           | Extension for reply within fifth month                                     | *                     |
| 1402                        | 500                         | 2402                        | 250             | Filing a brief in support of an appeal                                     | *                     |
| 1403                        | 1,000                       | 2403                        | 500             | Request for oral hearing   | *                     |
| 1814                        | 130                         | 2814                        | 65              | Terminal Disclaimer Fee  | 130                   |
| 1452                        | 500                         | 2452                        | 250             | Petition to revive - unavoidable   | *                     |
| 1453                        | 1,500                       | 2453                        | 750             | Petition to revive - unintentional   | *                     |
| 1501                        | 1,400                       | 2501                        | 700             | Utility/Reissue issue fee  | *                     |
| 1502                        | 800                         | 2502                        | 400             | Design issue fee   | *                     |
| 1460                        | 130                         | 1460                        | 130             | Petitions to the Commissioner  | *                     |
| 1807                        | 50                          | 1807                        | 50              | Petitions related to provisional applications                              | *                     |
| 1806                        | 180                         | 1806                        | 180             | Submission of Information Disclosure Statement                             | *                     |
| 8021                        | 40                          | 8021                        | 40              | Recording each patent assignment per property (times number of properties) | *                     |
| 1801                        | 790                         | 2801                        | 395             | Request for Continued Examination (RCE)                                    | *                     |
| Other fee (specify) _____   |                             |                             |                 |  |                       |
|                             |                             |                             |                 |  | Subtotal (3) \$130.00 |

Signature

Reg. No. \_\_\_\_\_

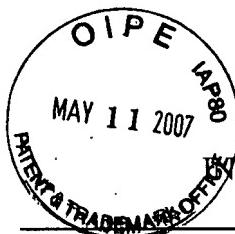
26,047

Date

5/11/07

Deposit Account No. \_\_\_\_\_

11-0982



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Roger L. Frick

Appln. No. : 10/822,425

Filed : April 12, 2004

Title : ELECTROMAGNETIC RESONANT SENSOR  
WITH DIELECTRIC BODY AND VARIABLE  
GAP CAVITY (Amended)

Docket No. : E252.12-0008

Group Art Unit: 2877

Examiner:  
Samuel A. Turner

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 C.F.R. 1.321(b))**

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SENT VIA EXPRESS MAIL**  
Express Mail No.: EV 922425046 US

**Interest of Person Making This Disclaimer**

I, David R. Fairbairn, represent that

- an inventor of this invention.
- an assignee of this invention.
- a representative authorized to sign on behalf of the assignee of this invention.

**Identity of Assignee and Title of Disclaimant (If Applicable)**

The assignee is Rosemount Inc., 12001 Technology Drive, Eden Prairie, Minnesota 55344.

The title of the Disclaimant is OPTICAL SENSOR FOR MEASURING PHYSICAL AND MATERIAL PROPERTIES, and the Disclaimant is authorized to sign on behalf of Assignee.

**Extent of Interest**

The extent of assignee's interest is in

- the whole of this invention.
- a sectional interest in this invention as follows: .

Inventor: Roger L. Frick

Application No.: 10/822,425

- 2 -

**Disclaimer**

I/We hereby disclaim the term of any patent granted on the above-identified application subsequent to

the full term of United States Patent No. 6,901,101 as presently shortened by any terminal disclaimer,

or

the term of any patent granted on application number \_\_,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

United States Patent No. 6,901,101,

any patent granted on application number \_\_,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

I do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

United States Patent No. 6,901,101, as presently shortened by any terminal disclaimer

any patent granted on application number \_\_

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

By: David R. Fairbairn

David R. Fairbairn  
Attorney for Applicant

Date: 5/11/07

Inventor: Roger L. Frick

Application No.: 10/822,425

- 3 -

**Fee Status**

(37 C.F.R. 1.20(d))

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> other than a small entity | \$130.00  |
| <input type="checkbox"/> small entity status of this          | application is/has been asserted.<br>See 37 C.F.R. 1.27 |
|   | \$ 65.00  |

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 5/11/07

By:   
David R. Fairbairn, Reg. No. 26,047  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

DRF:ks